

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,549	KUMER, GOPESH	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANTHONY MEJIA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 June 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. <u>10/20/2009</u> .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Amendment***

1. Acknowledgement is made that Claims 1 and 20 have been amended, and are currently pending with Claims 2-19 in the instant application.
  
2. Amendment to Claim 1 in response to examiner's objection has been considered. The amendment obviates previously raised objection, as such objection is hereby withdrawn.

### ***Response to Arguments***

3. Applicant's arguments, Remarks pages 7-19, filed **12 June 2009**, with respect to the rejections of claims 1-17 and 19-20 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered references (see Office Action below).
  
4. As per claim 18, Applicant argues on page 16 that in the teachings of Mok and Lurie 1 there is no teaching or suggestion for the step of:  
  
***allowing for said Users to remain in effect on the website of the Agent while navigating and using the system for connecting telephonically to Service Providers***  
  
but only a teaching of Users remaining connected to Service Providers while navigation and using the system.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner relies on Lund to teach the step of:

**allowing for said Users to remain in effect on a website (e.g., customized business website) of an Agent while navigating and using the system for connecting telephonically to Service Providers**, by way of a series of progressive popup windows (it is a well-known feature, that websites may contain a series of progressive popup windows) (e.g., after a call is answered by a service provider, a customer may interact with the business website of the service provider, for continuing advertising and shopping during the course of a conversation between the customer and service provider, col.6, lines 53-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lund in the combined teachings of Satoh/Hackworth/Mersky/Rigole to allow users to continually interact with the agent while be connected to the Service Providers. One of ordinary skill in the art would have been motivated to combine all of the teachings of Satoh/Hackworth/Mersky/Rigole to generate more capital for service providers, and to also provide additional compensation for the systems providing live advice to the customers desiring services from service providers (Lurie 1: pars [0006-0007]).

***Specification***

5. The use of the trademarks WINDOWS®, COMPUSERVE®, PRODIGY®, VERIZON®, AMERICA ONLINE® and VERIZON® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

6. The specification is objected to as failing to provide clear support or antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The meaning of every term and expressions used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import.

For example, in this case, the terms: “**computer-readable medium**”, used in Claims 1 and 15 are not apparent from the descriptive portion of the specification with clear disclosure as to its import.

In this case, the written description as filed fails to be a dictionary for the claims and should provide clear support or antecedent basis for all terms used in the claims see 608.01(g). The claim or claims do not conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims do not find the clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description (see 37 CFR 1.75 (d)

(1), and see MPEP § 1.58(a)). Usually the terminology of the original claims should follow the nomenclature of the specification; the use of a confusing variety of terms for the same thing should not be permitted. It is also noted that exact terms need not to be used in *haec verba* to satisfy the written description requirement of the first paragraph of 35 U.S.C. 112. However, 37 CFR 1.121(e) requires substantial correspondence between the language of the claims and the language of the specification (see § 608.01(o), and § 1302.01).

Hence, given that claimed term: “**a computer-readable medium**” do not have antecedent basis in the specification, and/or the terms and phrases used in the claims do not find clear support or antecedent basis in the description meaning of the terms in the claims may be ascertainable by reference to the description, they will be given the broadest reasonable interpretation (see MPEP 2111).

#### ***Claim Objections***

7. Claim 19 objected to because of the following informalities: lines 2-3 of the Claim currently recites: “...a managed payout consisting of, deducting a pre-determined Agent service fee for each transaction and **distributing the Agent to fee said Agents...**” It appears that the limitation is grammatically incorrect and unclear and/or ambiguous. As currently, written it is grammatically incorrect and unclear and/or ambiguous as to how **an Agent is being distributed to fee said Agents**. For the purposes of examination, the Examiner will interpret this limitation of the claim to read: “...a managed payout consisting of, deducting a pre-determined Agent service fee for each transaction and **distributing the pre-determined Agent fee said Agents...**” Examiner suggests, that

the Applicant amends the claim to recite what of said Agent is the pre-determined Agent fee being distributed to. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 is rejected to because of the following: Claim 1 currently recites in the pre-amble the phrase: "over the phone". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

10. Claim 1 is rejected to because of the following: line 8 of the claim currently recites: having a user initiate contact with a service provider via an Agent's specialized Web Site. It is unclear and/or ambiguous as to whether the service provider and/or Agent that the User is initiating contact with is the same or if one of the service providers and/or Agent recited previously, and if a user, is the same User previously recited in line 7 of the Claim. Appropriate correction is required.

11. Claim 1 is also rejected to because of the following: lines 4-5 of the Claim currently recites: having one or more Agents creating an associated selected plurality of one or more Service Providers. In further, lines 5 and 6 currently recites: enabling said Agents to integrate their selected plurality of Service Providers into their own specialized websites for browsing by a User. Reference to "one or more Agents" as "said Agents" is ambiguous because appears to exclude a single Agent.

12. Claim 1 is also rejected to because the following: line 10 of the Claim currently recites: connecting said User with said Service Provider **if available**. It is unclear and/or ambiguous as to whether the Claim is referring to the availability of the User or Service Provider

13. Claim 14 is rejected to because of the following: line 2 of the Claim currently recites: "... distributing the appropriate service HTML code to **the Agent** for each newly **registered** Service Provider. It is unclear and/or ambiguous as to which Agent will be distributing the appropriate service HTML code. In further, Examiner fails to see the step wherein the Service Providers recited in Claim 1 are being registered.

14. Also, in line 1 of Claim 14 currently recites: "...**the** appropriate service HTML code..." There is insufficient antecedent basis for this limitation in the claim.

15. Claim 20 is rejected to because of the following: line 1 currently recites: "...**the entire database of Service Providers**..." There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 101***

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular

machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385.

17. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. In the instant application, in Claim 1, a method of connecting two parties in real time, the method comprising the steps of: “having...”, “enabling...” and “connecting...” are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

In further, in the instant application, in Claim 15, a method of connecting two parties in real time, the method comprising the steps of:

“having an Agent account”, “assigning...”, “having a Service Provider enter said Agent ID when registering as a new Advisor”, “linking...”, “distributing...”, “enabling...” and “connecting...” are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Claims 2-14 and Claims 16-20 are also rejected under 35 U.S.C. 101 as to at least inheriting the same deficiencies through their dependency to Claims 1 and Claim 15.

Applicant is reminded that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand

alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1, 6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley et al. (US 2003/0154097) (referred herein after as Hartley) and in further view of Lurie et al. (US 2003/0115089) (referred herein after as Lurie 1).

Regarding Claim 1, Hartley teaches a method of connecting two parties over the phone in real time by using computer-readable medium capable of execution by a computer, the method comprising:

having one or more Agents (specialists) creating an associated selected plurality of Service Providers (pars [0022-0025], [0027], [0029-0031], [0048], [0051], and [0054]); enabling said Agents to integrate their selected plurality of Service Providers into their own specialized websites for browsing by a User (employee) (pars [0022-0025], [0027], [0029-0031], [0048], [0051], and [0054]);

having a User initiate contact with a Service Provider via an Agent's specialized website (pars [0022-0025], [0027], [0029-0031], [0048], [0051], and [0054]).

Hartley does not explicitly teach the final step of:

connecting said User with said Service Provider if available.

However, Lurie 1 in a similar field of endeavor discloses an apparatus and method for online advice customer relationship management including the step of:

connecting a User with a Service Provider if available (e.g., the system conferences the two phone calls together, enabling services to be rendered in a live conversation, par [0088]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 1 in the teachings of Hartley to connect a User to their desired Service Provider in real-time when available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Hartley and Lurie 1 to generate more capital for service providers, and to also provide additional compensation for the systems providing live advice to the customers desiring services from service providers (Lurie 1: pars [0006-0007]).

Regarding Claim 6, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 1 above. The combined teachings of Hartley and Lurie 1 further teach wherein the method comprises the step of:

displaying said Service Provider's hours of availability within a pop-up window (Lurie 1: pars [0081-0082]).

Regarding Claim 9, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 1 above. The combined teachings of Hartley and Lurie 1 further teach wherein the method comprises the step of:

having a system manage the transaction records for said Agent's Service Providers (Lurie 1: par [0043]).

Regarding Claim 10, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 9 above. The combined teachings of Hartley and Lurie 1 teach wherein the method further comprises the step of:

including reporting said transaction records (Lurie 1: par [0043] and [0065]).

20. Claims 11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in further view of Lurie 1 and in further view of Faber et al. (US 7,308,540) (referred herein after as Faber 1).

Regarding Claim 11, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 9 above. The combined teachings of Hartley and Laurie 1 do not explicitly teach the step wherein the method comprises the step of:

calculating the amount due to a Service Provider based on the Service Provider's transactions.

However, Faber 1 in a similar field of endeavor discloses a system for recording and distributing recorded information over the Internet including the step of:

calculating the amount due to the Service Provider based on the Service Provider's transactions (Faber 1: col.10, lines 49-53).

One of ordinary skill in the art at the time the invention was made would have been motivated to utilize the teachings of Faber 1 in the combined teachings of Hartley and Lurie 1 in order to properly credit the Service Provider for their services to the user of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine all of the teachings of Hartley/Lurie1/Faber1 to enhance more interactions between Users and Service Providers.

Regarding Claim 12, Faber 1 further teaches wherein the method comprises the step of:

paying the Service Provider and the Agent the amount due based on the transactions (Faber 1: col.10, lines 49-53).

Regarding Claim 13, Faber 1 further teaches wherein the method comprises the step of:

assigning an Agent ID number (e.g., user name) to an Agent account (e.g., account(s) on database 310), (Faber 1: col.4, lines 10-21).

21. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in further view of Lurie 1 and in further view of Faber et al. (US 6,865,540) (referred herein after as Faber 2).

Regarding Claim 2, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 1 above. The combined teachings of Hartley and Lurie 1 do not teach wherein the method further comprises the steps of:

generating a pop-up window with information about said Service Provider ;  
checking to see if the Service Provider is available.

However, Faber 2 in a similar field of endeavor discloses a method and apparatus for providing group calls via the Internet including the steps of:

generating a pop-up window with information about said Service Provider (col.5, lines 20-50 and see fig.3);  
checking to see if the Service Provider is available (col.5, lines 20-50, and see fig.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Faber 2 in the combined teachings of Hartley and Lurie 1 to enable the user of the system to be able to get information of a service provider and seeing if said service provider's availability. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Hartley/Lurie1/Faber 2 to help match users of the system with the appropriate service providers (Faber 2: col.1, lines 25-31).

Regarding Claim 3, the combined teachings of Faber 1/Lurie 1/Faber 2 teach the method as described in claim 2 above. The combined teachings of Faber 1/Lurie 1/Faber 2 further teach wherein the method further comprises the step of:

having said pop-up window prompting said User to enter their phone number to make said connection (Faber 2: col.4, lines 50-64, see fig.4).

Regarding Claim 4, the combined teachings of Faber 1/Lurie 1/ Faber 2 teach the method as described in claim 2 above. The combined teachings of Faber 1/Lurie 1/Faber 2 further teach wherein the method further comprises the step of:

generating a message for said User in said pop-up window when said Service Provider is not available (Lurie 1: par [0082]).

Regarding Claim 5, the combined teachings of Faber 1/Lurie 1/ Faber 2 teach the method as described in claim 2 above. The combined teachings of Faber 1/Lurie 1/Faber 2 further teach wherein the method further comprises the step of:

allowing said Service Provider to enter their hours of availability (Faber 1: col.8, lines 6-18).

22. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in further view of Lurie 1 and in further view of Lurie et al. (US 7,289,623) (referred herein after as Lurie 2).

Regarding Claim 7, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 1 above. The combined teachings of Lurie 1 and Faber 1 do not explicitly teach wherein the method further comprises the step of:

denying said connection if a User tries to initiate a connection during the hours said Service Provider is scheduled to be not available.

However, Lurie 2 in a similar field of endeavor discloses a system and method for an online speaker patch-through, including the step of:

denying said connection if a User tries to initiate a connection during the hours said Service Provider is scheduled to be not available (col.5, lines 43-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 2 in the combined teachings of Hartley/Lurie 1 in order to prevent the service seeker from trying to connect to the service provider when the service provider is not available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Hartley/Lurie 1/ Lurie 2 to help the service seekers of the system know what service providers are readily available in real-time (Lurie 2: col.1, lines 65-67, and col.2, lines 1-2).

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in further view of Lurie 1 and in further view of Faber et al. (US 2004/0252820) (referred herein after as Faber 3).

Regarding Claim 8, Hartley/Lurie 1 teaches the method as described in Claim 1 above. The combined teachings of Faber 1/Lurie 1 do not explicitly disclose wherein the method further comprises the step of:

displaying in said a pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call.

However, Faber 3 in a similar field of endeavor discloses a system and method for arranging a call including the step of:

displaying in said a pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call (par [0053])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Faber in the combined teachings of Hartley/Lurie 1 in order to properly notify the service seeker of the system that the Service Provider's is temporarily not available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Hartley/Lurie 1/Faber 3 to provide a more user friendly interaction between the users of the system and service providers (Faber 3: par [0003]).

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in further view of Lurie 1 and in further view of Rigole (US 7,139,728).

Regarding Claim 14, the combined teachings of Hartley and Lurie 1 teach the method as described in claim 1 above. The combined teachings of Hartley and Lurie 1 do not explicitly teach wherein the method further comprises the step of:

distributing the appropriate service HTML code to the Agent for each newly registered Service Provider.

However, Rigole in a similar field of endeavor discloses a system and method for online selection of service providers of server accounts including the step of:

distributing the appropriate service HTML code to the Agent for each newly registered Service Provider (col.17, lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rigole in the combined teachings of Hartley and Lurie 1 to enable the Service Providers to properly distribute the HTML code to the Agent to present to the users of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Hartley/Lurie 1 and Rigole to allow the service providers to dynamically present their services on a website to fit the unique nature of each of the individual users of the system (Rigole: col.1, lines 53-67, and col.2, lines 1-10).

25. Claims 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackworth et al. (US 7,516,153) in further view of Rigole (US 7,139,728) and in further view of Lurie 1.

Regarding Claim 15, Hackworth teaches a method of connecting two parties in real time, the method comprising:

having an Agent account (e.g., an advertiser who owns a web site can manage the website by access to the mail server, window includes an account login prompt and a password login prompt) (col.11, lines 35-55 and col.12, lines 36-56);

assigning an Agent ID (e.g., web designer 104 can arrange the advertiser's account such that when the advertiser 108 desires to perform administrative actions on the website, the advertiser can simply access the mail server using a USERID and password to perform administrative functions) number to said Agent account (col.11, lines 35-55 and col.12, lines 36-56).

Hackworth, does not explicitly teach the step of:

having a Service Provider enter said Agent ID when registering as a new Advisor;

linking all Service Providers under a single Agent ID into one account information and transaction activity management interface (Faber 1: col.4, lines 10-51);

enabling the Agent to readily create own Internet-based collection of specialized Service Providers (Faber 1: col.4, lines 31-67, col.5, lines 1-22, and col.8, lines 27-57).

However, Satoh in a similar field of endeavor discloses a system that enables a mediator server to provide opportunities for individuals to sell and buy services between them including the steps of:

having a Service Provider enter an Agent ID when registering as a new Advisor (e.g., service provider listing, service provider may use the assigned registration number on the provider terminal to obtain access to the website established by the mediator on the mediator server, pars [0003], [0077-0097], [0129], and see fig.4 and 7); and

linking all Service Providers under a single Agent ID into one account information (pars [0003], [0077-0097], [0125-0132], [0135], [0142] and see figs.4, 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Satoh in the teachings of Hackworth to allow service providers to select the best agent to offer their services to potential service purchasers. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Satoh and Hackworth to help service providers can find the service that best fits the need of the service providers (pars [0141-0145]).

The combined teachings of Hackworth and Satoh do not explicitly teach the step of:

linking all Service Providers under a single Agent ID into a transaction activity management interface (emphasis added).

However, Mersky in a similar field of endeavor discloses a method and apparatus for facilitating manual payments for transactions conducted over a network including the step of:

linking all Service Providers under a single Agent ID into a transaction activity management interface (col.5, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mersky in the combined teachings of Satoh and Hackworth in order to allow agents to manage transactions occurring between the service providers and service purchasers. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Satoh/Hackworth/Mersky to simplify and minimize delay in the transactions between service providers and service purchasers.

The combined teachings of Satoh/Hackworth/Mersky do not explicitly teach the step of:

distributing the appropriate service HTML code to the Agent for each newly registered Service Provider thereby.

However, Rigole in a similar field of endeavor discloses a system and method for online selection of service providers of server accounts including the step of:

distributing the appropriate service HTML code to the Agent for each newly registered Service Provider thereby (e.g., files that a Service Provider desires to make available to its consumers, may be uploaded in HTML to the Interchange Party Communication System having means of presenting user interfaces to consumer computer systems displaying services being offered by Service Providers, col.16, lines 61-67 and col.17, lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rigole in the combined teachings of Satoh/Hackworth/Mersky to enable the Service Providers to properly distribute the

HTML code to the Agent to present to the users of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Satoh/Hackworth/Mersky to allow the service providers to dynamically present their services on a website to fit the unique nature of each of the individual users of the system (Rigole: col.1, lines 53-67, and col.2, lines 1-10).

The combined teachings of Satoh/Hackworth/Mersky/Rigole do not explicitly teach the step of:

connecting Users with these Service Providers for expert advice in real time via a telephone connection.

However, Lurie 1 in a similar field of endeavor discloses an apparatus and method for online advice customer relationship management including the step of:

connecting Users with these Service Providers for expert advice in real time via a telephone connection (e.g., the system conferences the two phone calls together, enabling services to be rendered in a live conversation, par [0088]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 1 in the combined teachings of Satoh/Hackworth/Mersky/Rigole to connect a User to their desired Service Provider in real-time when available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Satoh/Hackworth/Mersky/Rigole to generate more capital for service providers, and to also provide additional compensation for the systems providing live advice to the customers desiring services from service providers (Lurie 1: pars [0006-0007]).

Regarding Claim 16, Faber 1 further teaches wherein the method further comprises the step of:

displaying within a pop-up window a full list of an Agent's Service Provider's and their individual availability statuses (Faber 1: col.8, lines 22-36 and see fig.6).

Regarding Claim 17, Faber 1 further teaches wherein the method further comprises the steps of:

monitoring how long telephonic connections are maintained between said Users and said Service Providers (Faber 1: col.10, lines 43-53); and

deducting from Users' consumer accounts the amounts based upon how long the telephonic connections are maintained (Faber 1: col.10, lines 43-53).

26. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in further view of Hackworth in further view of Mersky in further view of Rigole and yet in further view of Lund (US 7,403,947).

Regarding Claim 18, the combined teachings of Satoh/Hackworth/Mersky/Rigole teach the method as described in Claim 15 above. The combined teachings of Satoh/Hackworth/Mersky/Rigole do not explicitly teach wherein the method further comprises the step of:

allowing for said Users to remain in effect on the website of the Agent while navigating and using the system for connecting telephonically to Service Providers, by way of a series of progressive popup windows.

However, Lund in a similar field of endeavor discloses a method and apparatus for providing computer-network related information about a calling party including the steps of:

allowing for said Users to remain in effect on the website of the Agent while navigating and using the system for connecting telephonically to Service Providers, by way of a series of progressive popup windows (it is a well-known feature, that websites may contain a series of progressive popup windows) (e.g., after a call is answered by a service provider, a customer may interact with the business website of the service provider, for continuing advertising and shopping during the course of a conversation between the customer and service provider, col.6, lines 53-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lund in the combined teachings of Satoh/Hackworth/Mersky/Rigole to allow users to continually interact with the agent while be connected to the Service Providers. One of ordinary skill in the art would have been motivated to combine all of the teachings of Satoh/Hackworth/Mersky/Rigole to generate more capital for service providers, and to also provide additional compensation for the systems providing live advice to the customers desiring services from service providers (Lurie 1: pars [0006-0007]).

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in further view of Hackworth in further view of Mersky in further view of Rigole and yet in further view of Likourezous et al. (US 7,483,856) (referred herein after Likourezous).

Regarding Claim 19, the combined teachings of Satoh/Hackworth/Mersky/Rigole teach the method as described in Claim 15 above. The combined teachings of Satoh/Hackworth/Mersky/Rigole further teach wherein the method further comprises the step of:

giving an Agent the option of self-managed payroll responsibility or, a managed payout consisting of (Mersky: col.5, lines 35-67).

The combined teachings of Satoh/Hackworth/Mersky/Rigole do not explicitly teach the step of:

deducting a pre-determined Agent service fee for each transaction and distributing the Agent to fee said Agents.

However, Likourezous in a similar field of endeavor discloses a system and method for an electronic auction commerce transaction including the step of:

deducting a pre-determined Agent service fee for each transaction and distributing the Agent to fee to Agents (col.10, lines 22-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Likourezous in the combined teachings of Satoh/Hackworth/Mersky/Rigole in order to allow the agent to charge a service fee to the service providers. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of

Satoh/Hackworth/Mersky/Rigole/Likourezous to avoid delays for the operator of the website in being paid by the service provider (Likourezous: col.3, lines 15-39).

28. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in further view of Hackworth in further view of Mersky in further view of Rigole in further view of Lurie 1 in further view of Margiloff et al. (US 2005/0240475) and yet in further view of Altberg et al. (US 7,120,235) (referred herein after as Altberg).

Regarding Claim 20, the combined teachings of Faber 1/Rigole/Lurie 1 teach the method as described in Claim 15 above. The combined teachings of Satoh/Hackworth/Mersky/Rigole do not explicitly teach wherein the method further comprises the step of:

having recognition, across the entire database of Service Provider's telephone numbers including potentially multiple different accounts, of whether a particular Service Provider's telephone line is busy thereby.

However, Lurie 1 in a similar field of endeavor discloses an apparatus and method for online advice customer relationship management including the step of:

having recognition, across the entire database (database 310) of Service Provider's telephone numbers including potentially multiple different accounts, of whether a particular Service Provider's telephone line is busy thereby (Lurie 1: e.g., real-time availability statuses, par [0082]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 1 in the combined teachings of Satoh/Hackworth/Mersky/Rigole in order to determine if a Service Provider's telephone line is busy. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Satoh/Hackworth/Mersky/Rigole/Lurie 1 to help improve awareness of the Service Providers real-time availability to offer services.

The combined teachings of Satoh/Hackworth/Mersky/Rigole/Lurie 1 do not explicitly teach wherein the method further comprises the step of:

enabling a Service Provider to register and be part of numerous different Agent groups.

However, Margiloff in a similar field of endeavor discloses systems and methods for universal online advertising including the step of:

enabling a Service Provider to register and be part of numerous different Agent groups (pars [0012-0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Margiloff in the combined teachings of Satoh/Hackworth/Mersky/Rigole to enable the service providers to be able to select from the different Agent groups they want to help advertise their services. One of ordinary skill in the art at the time the invention was made would have been motivated to combine all of the teachings of Satoh/Hackworth/Mersky/Rigole/Margiloff to help optimize a Service Provider's capabilities in strategically advertising their services.

In further, the combined teachings of Satoh/Hackworth/Mersky/Rigole/ Margiloff do not explicitly teach the step of:

enabling a Service Provider to register and be part of numerous different Agent groups, **without concern for any potential telephone connection conflict.**

However, Altberg in a similar field of endeavor discloses a method and apparatus to provide pay-per-call performance advertisement including the step of:

**not having a concern for any potential telephone connection conflict**

(emphasis added) (e.g., each advertiser is assigned a unique telephone number, col. 3, lines 40-52, col.4, lines 5-67, col.5, lines 1-4, 15-24, and fig.8A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of in the combined teachings of Satoh/Hackworth/Mersky/Rigole/Margiloff with the teachings of Altberg to avoid conflicts in a telephone connection with the users of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine all of the teachings of Satoh/Hackworth/Mersky/Rigole/Margiloff/Altberg to allow the Service Providers to provide services simultaneously to multiple users of the system.

### ***Conclusion***

Examiner has cited particular paragraphs, columns, and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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